IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12357 of 2004

Between:

1 G. Anjaiah S/o Pashaiah (MPTC) of Sarampally, Mandal,

Sircilla, Karimnagar District
2 N. Vijaya W/o Bapureddy, Cheerlavancha, Mandal Sircilla,

Karimnagar District

..... PETITIONERS

AND

1 The Chief Executive Officer, Zilla Parishad, Karimnagar District
2 The Mandal Parishad Development Officer, Mandal Parishad,

Sircilla, Karimnagar District
3 The Assistant Engineer, Mandal Parishad, Sircilla, Karimnagar

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring the impugned proc No. A2/146/2004 dt 10-6-204 issued by the Mandal Parishad Development Officer, MP Sircilla as illegal, null and void and the same is contrary to the various norms of SGRY Scheme, by holding the action of the respondents in allotting different works under S.G.R.Y. Scheme and Food for work Programme to certain Villages on the whims and fancies at the behest of the Some MPTC Members without following the principle of population is as illegal, arbitrary, discriminatory and opposed to all principle of equity, justice and fair play.

Counsel for the Petitioners:MR.CH.JAGANNADHA RAO

Counsel for the Respondents: SMT.JYOTHI ESWAR GOGINENI

The Court made the following O R D E R:

The present writ petition is filed seeking a Mandamus declaring the proceedings dated 10-06-2004 issued by the Mandal Parishad Development Officer, Mandal Parishad, Sircilla, Karimnagar District-the second respondent herein as illegal, void and the same is contrary to the various norms of Sampoorna Gramina Rojgar Yojana (SGRY) Scheme.

The case of the petitioners is that they were elected as members of the Mandal Parishad Territorial Council (MPTC) of Sarampally and Chirlavancha Villages and in total 14 MPTCs were elected in Sircilla Mandal for 32 villages. It is stated that Government has introduced SGRY scheme to develop all the villages by providing civic amenities like drainage facilities, water pipe lines etc. For implementing the SGRY scheme, the works have to be allotted to all the villages by following the population of the village concerned. The general body of the Mandal Parishad has to pass resolution with regard to various subjects including the SGRY scheme. On 01-03-2004, the President of Mandal Parishad and the second respondent circulated the agenda of the general body meeting for discussion of various matters in the meeting scheduled on 01-03-2004. The agenda included the names of ten villages for allotting different works under the SGRY scheme, basing on the population of the villages. But contrary to the agenda, during the general body meeting, the majority of members, President and the second respondent approved the names of some other villages, other than the villages mentioned in the agenda, for providing the works under SGRY scheme and also increased the worth of works to their respective villages. It is further stated that the petitioners have submitted a representation dated 19-05-2004 to the Chief Executive Officer, Zilla Parishad, Karimnagar District-the first respondent herein and the District Collector stating that the Mandal Parishad President and the second respondent are spending the SGRY funds as per their whims and fancies at the behest of some MPTC members and not

allotting the funds to all the villages and even they are cancelling the works of the year 2003-2004 without the works being completed. In pursuance thereof, the first respondent has issued proceedings dated 29-05-2004 calling for the second respondent to send a detailed report on the allegations of the petitioners and other M.P.T.Cs. Pending final decision by the first respondent, the second respondent has issued the impugned proceedings dated 10-06-2004 directing the third respondent to commence and execute the works under SGRY scheme and food for work programme as approved in the general body meeting, and as the works are going to be commenced shortly as per the impugned proceedings, the petitioners have come up with the present writ petition praying to suspend the operation of the impugned proceedings.

Heard both sides and considered the material available on record.

The petitioners have filed the present writ petition complaining that the President of Mandal Parishad and the second respondent have allotted works to the villages of their choice and at the behest of the members of rival political party, and committed irregularities and lapses.

It is well settled that unless there is a real and genuine public interest involved in the litigation, it should not be publicity interest litigation or private interest litigation or politics interest litigation, as held by the Supreme Court in ***Dr.B.Singh vs.Union of India and others.*** A person acting *bona fide* and having sufficient interest in the proceeding of public interest litigation will along have a *locus standi* and can approach the Court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration.

But, the present writ petition seems to be filed by the petitioners only with a political motive. In the light of the above decision of the Supreme Court, I do not see any merits to entertain the writ petition, as the same is only a politically motivated writ petition.

However, the petitioners can very well seek appropriate orders from the first respondent, who had already acted upon the representation of the petitioners by calling for a report from the second respondent.

For the foregoing reasons, the writ petition is dismissed at the admission stage.

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20-07-2004

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To

1 The Chief Executive Officer, Zilla Parishad, Karimnagar District
2 The Mandal Parishad Development Officer, Mandal Parishad,

Sircilla, Karimnagar District
3 The Assistant Engineer, Mandal Parishad, Sircilla, Karimnagar

district

4 Two C.D copies